

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 18, 2005

IN RE:

PETITION OF AT&T COMMUNICATIONS OF THE  
SOUTH CENTRAL STATES LLC FOR EXPEDITED  
REVIEW OF CENTRAL OFFICE CODE DENIAL

DOCKET NO.  
05-00159

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ORDER APPROVING PETITION FOR  
EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL  
AND REVERSING CENTRAL OFFICE CODE DENIAL

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This matter came before Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this Docket, at a regularly scheduled Authority Conference held on July 11, 2005 for consideration of the *Petition of AT&T of the South Central States, LLC for Expedited Review of Central Office Code Denial* ("Petition") relating to Deloitte Services, LP ("Deloitte") filed by AT&T of the South Central States, LLC ("AT&T" or the "Company") on June 8, 2005

**BACKGROUND**

In March of 2000, the Federal Communications Commission ("FCC"), recognizing "the near-crisis" caused by the exhaustion of telephone numbers in certain expanding geographic areas, initiated a policy designed "to slow down the rate at which central office codes (or NXXs) in those areas are assigned to carriers."<sup>1</sup> Among other things, the FCC adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their

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<sup>1</sup> *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Report and Order and Further Notice of Proposed Rule Making*) 15 FCC Rcd 7574, 2000 WL 339808, ¶¶ 2, 183, 191 (March 31, 2000) (hereinafter "First Report and Order"), see also 47 U.S.C. § 251(e)(1) (directing the FCC to "create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis")

utilization and a utilization threshold framework to increase carrier accountability and provide incentives to use numbers efficiently <sup>2</sup>

On June 18, 2001, the FCC designated NeuStar, Inc. ("NeuStar") as the national thousands-block number Plan Administration ("PA") <sup>3</sup> NeuStar, which also serves as the North American Numbering Pool Administrator ("NANPA"), currently administers thousands-block number pools by assigning, managing, forecasting, reporting and processing data that will allow qualified service providers in areas designated for thousands-block number pooling to receive telephone numbers in blocks of one-thousand (1,000). On March 14, 2002, thousands-block number pooling was implemented in the Nashville Metropolitan Statistical Area, which is in the 615 Numbering Plan Area ("NPA"). Since then, telecommunications service providers participating in number pooling in that area have been required to submit their requests for any numbering resources to the PA

On May 25, 2005, AT&T submitted a "Thousand Block Application Form Part 1A" and a "Months to Exhaust and Utilization Certification Worksheet-TN Level"<sup>4</sup> to NeuStar to be assigned an NXX code necessary to meet the demands of its customer, Deloitte. Deloitte requested five hundred (500) consecutive numbers for use in its place of business in the Nashville rate center service area.

The PA, citing AT&T's failure to meet its NXX Assignment Guidelines, denied AT&T's request. The guidelines require that a rate center must have a 75% utilization rate and that its estimated exhaust date not exceed six months. AT&T could not meet these guidelines. As a result, AT&T has not been able to fulfill Deloitte's request because the Company lacks NXXs with a satisfactory block of numbers that it can assign to the customer. On June 8, 2005, AT&T filed its *Petition* with the Authority. AT&T requests that the Authority reverse the PA's denial of its application and order the release of the requested numbering resources.

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<sup>2</sup> See *First Report and Order*, ¶¶ 40-41, 84, 97-98

<sup>3</sup> In the *Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Third Report and Order and Second Order on Reconsideration*) 17 FCC Rcd 252, 2001 WL 1658101, ¶ 11 (Dec. 28, 2001) (hereinafter "*Third Report and Order*"), see also 47 C.F.R. § 52.15(a)

<sup>4</sup> *Petition of AT&T of the South Central States, LLC for Expedited Review of Central Office Code Denial*, p. 3 (June 8, 2005)

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Review by the TRA of the Pooling Administrator's denial of AT&T's application is authorized by the FCC.<sup>5</sup> According to the FCC:

We agree with the commenting parties that a safety valve mechanism should be established, and we delegate authority to state commissions to hear claims that a safety valve should be applied when the NANPA or Pooling Administrator denies a specific request for numbering resources. State commissions should only apply a safety valve mechanism as a last resort and, to the extent possible, use it as a stop gap measure to enable carriers in need of additional numbering resources to continue to serve their customers. We adopt one specific safety valve to address the numbering resource requirements of carriers experiencing rapid growth in a given rate area. We also clarify that states may grant requests by carriers that receive a specific customer request for numbering resources that exceeds their available inventory. Finally, we give states some flexibility to direct the NANPA or Pooling Administrator to assign additional numbering resources to carriers that have demonstrated a verifiable need for additional numbering resources outside of these specifically enumerated instances.<sup>6</sup>

State commissions conducting this review must act consistently with the FCC's policy of facilitating fair and efficient numbering administration in the United States and ensuring that numbering resources are available to all telecommunications service providers on a fair and equitable basis.<sup>7</sup>

## **JULY 11, 2005 AUTHORITY CONFERENCE**

At a regularly scheduled Authority Conference held on July 11, 2005, the voting panel assigned to this Docket considered AT&T's *Petition*. After consideration of the record, the public interest<sup>8</sup> and this agency's responsibility to foster competition in the telecommunications industry, the panel voted unanimously to grant AT&T's request for expedited review and reversed the PA's

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<sup>5</sup> *Third Report and Order*, ¶ 61, *see also* 47 C.F.R. § 54.15(g)(3)(iv)

<sup>6</sup> *Third Report and Order*, ¶ 61

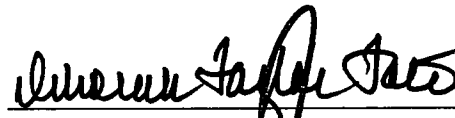
<sup>7</sup> *See, e.g., In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Order*) 16 FCC Rcd 15,842, 2001 WL 964979, ¶ 8 (Aug. 24, 2001) ("[T]he state commissions, to the extent that they act under the authority delegated herein, must ensure that numbers are made available on an equitable basis, that numbering resources are made available on an efficient and timely basis, that whatever policies the state commissions institute with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers, and that the state commissions not unduly favor one telecommunications technology over another"), *see FCC Announces GSA Approval of North American Numbering Council Through October 4, 2003*, CC Docket No. 92-237 (*Public Notice*) 16 F.C.C.R. 18,502, 2001 WL 1222428 (Oct. 15, 2001)

<sup>8</sup> *See* Tenn. Code Ann. § 65-4-123 (2004)

denial of AT&T's request for additional numbering resources, specifically for the assignment of one thousand-block to AT&T for the Nashville Rate Center, Switch/POI designation NSVLTN48DS0.

**IT IS THEREFORE ORDERED THAT:**

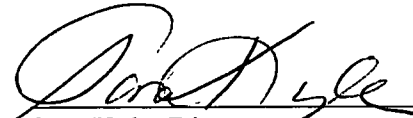
1. The *Petition of AT&T of the South Central States, LLC for Expedited Review of Central Office Code Denial* is granted.
2. The Pooling Administrator's decision to deny AT&T's request for one thousand-block for the Nashville Rate Center is reversed as stated herein.



Deborah Taylor Tate, Director



Pat Miller, Director



Sara Kyle, Director